

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN WILLIAMS MILLER,	: : Plaintiff,
-v-	: : 25 Civ. 1172 (JPC) (RFT)
APPLE, INC.,	: : Defendant.
	-----X <u>ORDER</u>

JOHN P. CRONAN, United States District Judge:

On April 22, 2025, the Court ordered Plaintiff to “refrain from making additional filings in this case until the Court rules on any objections to Judge Tarnofsky’s Report and Recommendation on Defendant’s motion to dismiss,” with the sole exception to that directive being that Plaintiff could file objections to that Report and Recommendation in accordance with the Court’s April 16, 2025 Order. Dkt. 208. Since the Court’s April 22 Order was filed, Plaintiff has made several additional filings in this matter. The Court will assume most of these filings were sent to the Clerk of Court prior to the entry of the Court’s April 22 Order. But two of Plaintiff’s filings indicate awareness of the Court’s April 22 Order and were nonetheless filed in willful contravention of the Court’s directive. *See* Dkts. 213, 216 (purporting to “reject[]” the Court’s April 22 Order).

Plaintiff is cautioned that “[a]n order issued by a court must be obeyed,” even if Plaintiff believes it to be erroneous. *McDonald v. Head Crim. Ct. Supervisor Officer*, 850 F.2d 121, 124 (2d Cir. 1988). “If a person to whom a court directs an order believes that order is incorrect the remedy is to appeal, but, absent a stay, he must comply promptly with the order pending appeal.” *Maness v. Meyers*, 419 U.S. 449, 458 (1975). Therefore, “[p]ersons who make private determinations of the law and refuse to obey an order generally risk criminal contempt even if the

order is ultimately ruled incorrect.” *Id.* “[A]ll litigants, including *pro se*, have an obligation to comply with court orders. When they flout that obligation they, like all litigants, must suffer the consequences of their actions.” *McDonald*, 850 F.2d at 124. If Plaintiff continues to violate the Court’s orders and challenge the Court’s authority, the Court will be justified in dismissing this action. *See Strong v. Straub*, 111 F. App’x 626, 627 (2d Cir. 2004).

Plaintiff is again ordered to cease making additional filings in this case until the Court rules on any objections to Judge Tarnofksy’s Report and Recommendation, apart from filing objections in accordance with the Court’s April 22 and April 16 Orders. The Court reiterates that violation of this or any other court order may result in sanctions, including monetary sanctions, contempt sanctions, and/or dismissal of the action with prejudice.

The Clerk of Court is respectfully directed to mail a copy of this Order to the *pro se* Plaintiff.

SO ORDERED.

Dated: April 24, 2025
New York, New York



JOHN P. CRONAN
United States District Judge